

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )                                    No. 4:09-CR-523 CAS  
v.                            )  
                                  )  
JOSEPH WASHINGTON,        )  
                                  )  
Defendant.                    )

**ORDER**

This matter is before the Court on various pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge Mary Ann L. Medler. On September 30, 2009, Judge Medler filed a Report and Recommendation of United States Magistrate Judge which recommended that defendant's Motion to Dismiss Counts of Indictment or for Severance of Counts be granted in part and denied in part. Specifically, Judge Medler recommended that the motion to dismiss Counts 6 and 7 of the indictment be denied, and the motion for severance of counts be granted, so that the Clean Air Act violations (Counts 1-5) charged in the indictment be severed from the bankruptcy fraud charges (Counts 6-7) and tried separately.

No objections have been filed to the Magistrate Judge's Report and Recommendation and the time to do so has passed. The Court has carefully and independently reviewed the record of this matter. The Court is in full agreement with the stated rationale of the Magistrate Judge's recommendations, and will adopt the same.

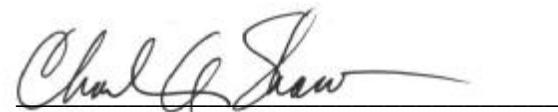
Accordingly, after careful review,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 25]

**IT IS FURTHER ORDERED** that defendant's Motion to Dismiss Counts of Indictment or for Severance of Counts is **GRANTED in part** and **DENIED in part**; said motion is **DENIED** with respect to the Motion to Dismiss Counts of Indictment, and **GRANTED** with respect to the alternative Motion for Severance of Counts. [Doc. 16]

**IT IS FURTHER ORDERED** that pursuant to Rule 14(a), Fed. R. Crim. P., Counts 6 and 7 of the indictment, the bankruptcy fraud charges, are **SEVERED** from Counts 1 through 5 of the indictment, the Clean Air Act charges.

Trial settings will be established by separate order.



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2009.